

# **1998 NEZ PERCE TRIBE UNIFIED WATERSHED ASSESSMENT AND WATERSHED RESTORATION PRIORITIES**

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## **INTRODUCTION**

The Clean Water Action Plan, released in February 1998, presents a broad vision of watershed protection in which protections for America's coastal and estuarine waters, surface freshwater, wetlands, groundwater, and natural resources are integrated with traditional clean water and human health objectives that includes a new, cooperative approach to restoring and protecting water quality. This Plan envisions Tribes working with state, federal, and local entities and other stakeholders to: (1) identify watersheds with the most critical water quality problems, and (2) work together to focus resources and implement effective strategies to solve these problems.

The first step in implementation of this plan for the Nez Perce Tribe is the development of a Unified Watershed Assessment. The purpose of this Assessment is to: (1) categorize watersheds containing the Reservation, Tribal fee-lands, and certain Tribal usual and accustomed fishing places (U&As) (the list presented below does not constitute a complete list of watersheds containing Tribal U&As); (2) set out priorities for restoration and guide the development of restoration strategies of these watersheds pursuant to the Clean Water Action Plan; (3) serve to steer the use of new resources made available through the President's FY 1999 Clean Water and Watershed Restoration Budget Initiative to accelerate watershed restoration in a coordinated manner to achieve maximum effect; and (4) assist in the cooperation of efforts between state, federal, and local entities toward the goal of watershed restoration and protection.

## **INFORMATION USED FOR CATEGORIZATION AND PRIORITIZATION DECISIONS**

Decisions for categorization and prioritization of watersheds included (but was not limited to) the following documents:

1. EPA's 1994 § 303(d) List for the State of Idaho;
2. Idaho's Draft 1998 § 303(d) List;
3. Oregon's Draft 1998 § 303(d) List;
4. Washington's Draft 1998 § 303(d) List;
5. EPA's Index of Watershed Advisors;
6. Nez Perce Tribe, Water Resource Division Watershed Priority List (see Attachment A);
7. Wy-Kan-Ush-Mi Wa-Kish-Wit: The Columbia River Anadromous Fish Restoration Plan of the Nez Perce, Umatilla, Warm Springs and Yakama Tribe; and
8. A Biological and Physical Inventory of the Streams within the Nez Perce Reservation (produced by BPA and Nez Perce Tribe, Fisheries Resource Management).

## **DESCRIPTION OF CATEGORIES USED FOR THIS ASSESSMENT**

**Category I Watersheds in Need of Restoration:** These watersheds do not now meet, or face imminent threat of not meeting, clean water and other natural resource goals, or watersheds critical to anadromous or resident fish population or areas of important Tribal cultural significance. Selection factors include:

- Presence of waterbodies within a watershed on a § 303(d) list promulgated by any state, tribe, or EPA (including pursuant to court order).
- Watersheds described in Wy-Kan-Ush-Mi Wa-Kish-Wit: The Columbia River Anadromous Fish Restoration Plan of the Nez Perce, Umatilla, Warm Springs and Yakama Tribe as areas critical to anadromous fish restoration and in need of restoration actions.
- Reservation watersheds listed as high priority by the Nez Perce Tribe, Water Resource Division and Department of Fisheries Resources Management.
- Watersheds containing populations of anadromous fish or containing critical habitat for such species.
- Watershed containing populations of resident fish listed as threatened or endangered under the Endangered Species Act (i.e., Bull Trout) or containing critical habitat for such species.
- Watersheds containing stream reached described as impaired or degraded in A Biological and Physical Inventory of the Streams within the Nez Perce Reservation.
- Watersheds described by EPA's Index of Watershed Indicators as having more serious water quality problems (as indicated by a score of 5 or 6) or watersheds described as having insufficient data to make an assertion of condition or vulnerability with specific condition or vulnerability criteria scores indicating more serious water quality problems (i.e., watersheds receiving a score of 3 for Wetland Aquatic Species at Risk).

**Category II Watersheds Meeting Goals, Including Those Needing Action to Sustain Water Quality:** These watersheds meet clean water and other natural resource goals and standards and support healthy aquatic systems. All such watersheds need the continuing implementation of base clean water and natural resource programs to maintain water quality and conserve natural resources.

**Category III Watersheds with Pristine or Sensitive Aquatic System Conditions:** These watersheds have exceptionally pristine water quality, drinking water sources, or other sensitive aquatic system conditions.

**Category IV Watersheds With Insufficient Data to Make an Assessment:** These watersheds lack data, critical data elements, or the data density needed to make a reasonable assessment.

## **BASIS FOR PRIORITIZATION OF CATEGORY I WATERSHEDS**

Prioritization of watersheds for restoration efforts is made considering the Selection factors for Category I listing and considering other Tribal and Regional restoration goals such as enhancement and protection of anadromous fish habitat, development of TMDL's, and development of Protection, Mitigation, and Enhancement Measures (PM&Es) for hydropower facilities. In addition, important historic or current Tribal usage of a watershed is considered in making prioritization decisions. Prioritization is describes as follows:

**High:** High priority watershed are Category I watersheds in need of immediate restoration actions (within the next 2 years).

**Medium:** Medium priority watersheds are Category I watersheds in need of restoration actions within the next 5 years.

**Low:** Low priority watersheds are Category I watersheds in need of restoration efforts which could occur beyond 5 years or requires restoration of other watersheds (listed as High or Medium) to be meaningful or effective.

## **CATEGORIZATION AND PRIORITIZATION OF WATERSHEDS OF THE RESERVATION**

### **Introduction**

The Nez Perce Reservation is located in North-Central Idaho and is comprised of 750,000 acres. Land uses within the reservation include logging, agricultural, grazing, urban and rural settlements, recreational, and some small industrial areas. These land uses within the watersheds play a key role in watershed health.

At the present time, streams within the reservation are being assessed and inventoried. Both permanent and one-time only monitor sites are being established, and data collection of water quality parameters is being archived. Biological assessment includes collection and preservation of macroinvertebrates and electroshocking fish for identification purposes. Random selection of collected fish species is being accomplished in order to perform fish health analysis. Habitat analysis is also performed at each site and serves to provide a further indication of stream health.

Recreational uses on the watersheds are varied. Fishing and hunting are a large component in the lives of not only tribal members exercising their treaty reserved rights but also non-tribal members located on the reservation. Off-road vehicles cause massive damage on the watersheds, allowing for increased sedimentation to the streams.

### **Watersheds of the Reservation and Categorization**

<b>WATERSHED NAME</b>	<b>HUC #</b>	<b>Category</b>	<b>Priority</b>
Lower Snake-Asotin	17060103	1	High
Palouse	17060108	1	Low

Middle Fork Clearwater	17060304	1	High
South Fork Clearwater	17060305	1	High
Clearwater	17060306	1	High
Lower North Fork Clearwater	17060308	1	High

## **CATEGORIZATION AND PRIORITIZATION OF WATERSHEDS CONTAINING TRIBAL FEE-LANDS**

### **Introduction**

In addition to lands contained within the external boundaries of the Nez Perce Indian Reservation, the Tribe has re-acquired lands owned in fee both in Idaho and in northeastern Oregon. These lands are contained within the ceded territory of the Nez Perce Tribe. The Idaho fee-lands were acquired in the 1980's and are located to the southwest of the Reservation. The Oregon fee-lands (approximately 10,000 acres) were acquired in 1997 and are located along Joseph Creek in the Lower Grand Ronde watershed.

### **Watersheds Containing Tribal Fee-Lands and Categorization**

<b>WATERSHED NAME</b>	<b>HUC #</b>	<b>Category</b>	<b>Priority</b>
Lower Snake-Asotin	17060103	1	High
Lower Grande Ronde	17060106	1	High
Lower Salmon	17060209	1	High

## **CATEGORIZATION AND PRIORITIZATION OF WATERSHEDS CONTAINING TRIBAL USUAL AND ACCUSTOMED FISHING AREAS**

### **Introduction**

On June 11, 1855, the United States and the Nez Perce Tribe entered into a treaty at Camp Stevens in the Walla-Walla Valley. By means of this treaty, the Nez Perce Tribe relinquished portions of their territory, in exchange for confirmed land title to specified reservation, rights to hunt, gather roots and berries, and pasture horses on open and unclaimed lands, exclusive fishing rights within that reservation, and the right to fish at all usual and accustomed places in common with non-Indians on off-reservation locations. *See*, Article III of the Treaty with the Nez Perce of 1855. These off-reservation usual and accustomed fish places (U&As) are located throughout Idaho, Oregon, and Washington. The Nez Perce Tribe, through the Department of Fisheries Resource Management and other Tribal programs, has extensive co-management responsibilities over the fishery resources of these U&As. The list of watersheds containing Tribal U&As described below is not intended to constitute a complete list of those watersheds containing U&As.

### Watersheds Containing Tribal U&As in Idaho and Categorization

<b>WATERSHED NAME</b>	<b>HUC #</b>	<b>Category</b>	<b>Priority</b>
Middle Snake-Payette	17050115	1	High
South Fork Payette	17050120	1	Medium
Middle Fork Payette	17050121	1	Medium
Payette	17050122	1	Medium
North Fork Payette	17050123	1	Medium
Weiser	17050124	1	Medium
Brownlee Reservoir	17050201	1	High
Hells Canyon	17060101	1	High
Lower Snake-Asotin	17060103	1	High
Palouse	17060108	1	Low
Upper Salmon	17060201	1	High
Pahsimeroi	17060202	1	Low
Middle Salmon-Panther	17060203	1	High
Lemhi	17060204	1	High
Upper Middle Fork Salmon	17060205	1	High
Lower Middle Fork Salmon	17060206	1	High
Middle Salmon-Chamberlain	17060207	1	High
South Fork Salmon	17060208	1	High
Lower Salmon	17060209	1	High
Little Salmon	17060210	1	High
Upper Selway	17060301	1	High
Lower Selway	17060302	1	High
Lochsa	17060303	1	High
Middle Fork Clearwater	17060304	1	High
South Fork Clearwater	17060305	1	High
Clearwater	17060306	1	High
Upper North Fork Clearwater	17060307	1	High
Lower North Fork Clearwater	17060308	1	High

### Watersheds Containing Tribal U&As in Oregon and Categorization

<b>WATERSHED NAME</b>	<b>HUC #</b>	<b>Category</b>	<b>Priority</b>
Middle Snake-Payette	17050115	1	High
Brownlee Reservoir	17050201	1	High
Hells Canyon	17060101	1	High
Imnaha	17060102	1	High
Lower Snake-Asotin	17060103	1	High
Upper Grande Ronde	17060104	1	High
Wallowa	17060105	1	High
Lower Grande Ronde	17060106	1	High

### **Watersheds Containing Tribal U&As in Washington and Categorization**

<b>WATERSHED NAMES</b>	<b>HUC #</b>	<b>Category</b>	<b>Priority</b>
Lower Snake-Asotin	17060103	1	High
Lower Grande Ronde	17060106	1	High
Lower Snake-Tucannon	17060107	1	High
Lower Snake	17060110	1	High

### **PARTICIPANTS IN DEVELOPMENT OF UNIFIED WATERSHED ASSESSMENT**

The Nez Perce Tribe has developed this Unified Watershed Assessment in consultation with other Tribes of the region through participation in meetings with the Columbia River Inter-Tribal Fish Commission. In addition, the State of Oregon has actively sought input from the Tribe for the development of its Unified Watershed Assessment. Although it was the hope of the Tribe that the State of Idaho would participate with the Tribe in development of this document, no such participation has yet occurred. Drafts of this document were made available to the States of Oregon, Washington, and Idaho, as well as EPA Region 10.

**ATTACHMENT A: RESERVATION WATER BODIES**

Water Body Name	*WRD Priority #	303(d) Priority #	1998 WRD Monitor Sites	HUC #	Tribal Cultural	Tribal Fish Projects	Land Use	Prior Monitoring
Lapwai	high	2003	2 sites	17060306	X	X	dom, ag, grz, log, rec	2 sites: 1994-96
Lawyer	high	2003	3 sites	17060306	X	X	dom, ag, grz, log	2 sites: 1994-96
Mission	high	2003	3 sites	17060306	X	X	dom, ag, grz, log	4 sites: 1994-96
Mud Springs Res	high	not listed	3 sites	17060306	X	X	rec, ag, grz, log	1 site: 1994-95
Tal Moks Res	high	not listed	3 sites	17060306	X	X	dom, ag, grz, log	2 sites: 1994
Winchester Lake	high	1998	2 sites	17060306	X	?	rec, ag, grz, log	none
Big Canyon	med-high	2003	1 site	17060306	X	X	dom, ag, grz, log	2 sites: 1994
Clear	med-high	2002	1 site	17060304	X	X	dom, ag, grz, log	none
Cold Springs	med-high	not listed	1 site	17060306	X	X	ag, grz, log	none
Cottonwood (ID)	med-high	1999	1 site	17060305	X	X	ag, grz, log	2 sites: 1994-96
Cottonwood (Nez)	med-high	2001	1 site	17060306	X	X	ag, grz, log	1 site: 1994-96
Jim Ford	med-high	1999	1 site	17060306	X	X	ag, grz, log	none
Orofino	med-high	not listed	~1 site	17060306	X	X	dom, ag, grz, log	1 site: 1994-96
Sweetwater	med-high	2003	2 sites	17060306	?	X	ag, grz, log	none
Tom Beall	med-high	not listed	1 site	17060306	X	X	ag, grz, log	none
Little Canyon	med-high	2003	1 site	17060306	?	?	ag, grz, log	none
Potlatch River	medium	2003	1 site	17060306	X	X	dom, ag, grz, log	1 site: 1994-96
Red Rock	medium	2001	1 site	17060305	X	X	rec, ag, grz, log	1 site: 1993-96
Sevenmile	medium	2003	1 site	17060306	?	?	dom, ag, grz, log	none
Stockney	medium	2001	1 site	17030605	X	X	dom, ag, grz, log	1 site: 1994-96
Tom Taha	medium	2003	1 site	17060306	X	X	dom, ag, grz, log	none
Webb	medium	2003	1 site	17060306	X	X	ag, grz, log	none
Cottonwood (SF)	medium	2001	1 site	17060305	?	?	ag, grz, log	none
Jacks	medium	2003	1 site	17060306	X	X	ag, grz, log	none
Lolo	medium	2003	1 site	17060306	X	X	ag, grz, log	1 site: 1994-96
Longhollow	medium	2003	1 site	17060306	?	?	ag, grz, log	none
Maggie	med-low	2002	1 site	17060304	X	X	ag, grz, log	none
Threemile	med-low	2001	1 site	17060305	?	?	ag, grz, log	none
Willow	med-low	2003	1 site	17060306	X	X	rec, ag, grz, log	none
Fivemile	low	2003	none	17060306	?	?	ag, grz, log	none
Holes	low	2003	none	17060306	?	?	ag, grz, log	none
Bedrock	low	2003	1 site	17060306	?	?	ag, grz, log	1 site: 1996
Big	low	not listed	none	17060306	?	?	gz, log	none
Butcher	low	2001	none	17060305	?	?	ag, grz, log	none
Catholic	low	2003	1 site	17060306	?	?	ag, grz, log	none
Pine	low	2003	none	17060306	?	?	ag, grz, log	none
Sixmile	low	2003	none	17060306	X	X	dom, ag, grz, log	none

Water Body Name	1997 BURP	Pollutants	USGS Gaging Stations
	Sites		
Lapwai	3 sites	flow, temp, path, sed, nuts, DO, hab	1 active, 1 inactive
Lawyer	1 site	flow, temp, path, sed, nuts, DO, ammonia, oil/grease, pests, hab	inactive
Mission	3 sites	flow, temp, path, sed, nuts, DO, oil/grease, pests, hab	inactive
Mud Springs Res	none	flow, temp, sed, nuts	none
Tal Maks Res	none	flow, temp, path, sed, nuts, DO, ammonia, pests, oil/grease, hab	none
Winchester Lake	1 site	sed	none
Big Canyon	3 sites	flow, temp, path, sed, nuts, DO, ammonia, pests, hab,	none
Clear	none	flow, temp, path, sed, nuts, DO, ammonia, hab	inactive
Cold Springs	none	not listed	inactive
Cottonwood (ID)	none	flow, temp, path, sed, nuts, DO, ammonia, hab	none
Cottonwood (Nez)	none	flow, temp, path, sed, nuts, DO, ammonia, hab	none
Jim Ford	1 site	flow, temp, path, sed, nuts, DO, ammonia, oil/grease, bact, hab	none
Orofino	none	flow, temp, sed, nuts	inactive
Sweetwater	none	flow, temp, path, sed, nuts, DO, ammonia, pests, oil/grease, hab	none
Tom Beall	none	path, sed	none
Little Canyon	none	not listed	none
Potlatch River	2 sites	flow, temp, path, sed, nuts, DO, hab	none
Red Rock	none	flow, temp, sed, nuts	none
Sevenmile	none	flow, temp, path, sed, nuts, DO, ammonia, hab	none
Stockney	none	flow, temp, sed, nuts	none
Tom Taha	none	flow, path, sed, nuts, DO, hab	none
Webb	none	flow, temp, path, sed, nuts, DO hab	none
Cottonwood (SF)	none	flow, temp, path, sed, nuts, DO, ammonia, hab	none
Jacks	1 site	flow, temp, path, sed, nuts, hab	none
Lolo	1 site	flow, temp, path, sed, nuts, DO, oil/grease, hab	active
Longhollow	none	flow, temp, path, sed, nuts, DO, hab	inactive
Maggie	1 site	sed	none
Threemile	none	flow, temp, path, sed, nuts, DO, ammonia, hab	none
Willow	1 site	flow, temp, path, sed, nuts, DO, pests, hab	none
Fivemile	none	flow, path, sed, nuts, DO, hab	none
Holes	none	flow, path, sed, nuts, DO, ammonia, oil, grease, pests, metals, ha	none
Bedrock	1 site	flow, temp, path, sed, nuts, DO, ammonia, oil, grease, hab,	none
Big	none	not listed	none
Butcher	none	flow, temp, path, sed, DO, hab	none
Catholic	3 sites	flow, temp, path, sed, nuts, DO, ammonia, pests, hab	none
Pine	none	sed, nuts, ammonia, oil/grease, hab	none
Sixmile	none	sed, hab	none



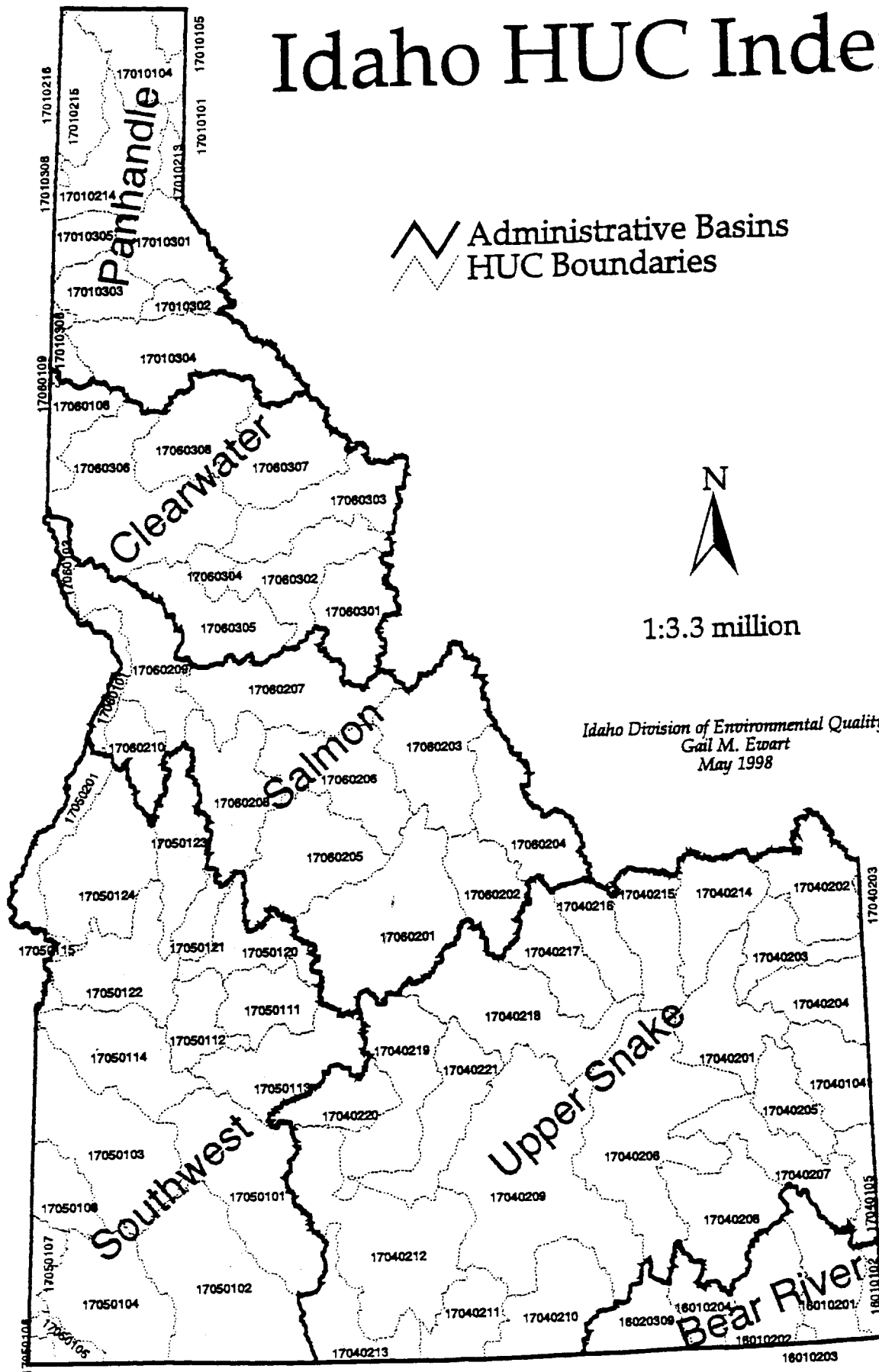
# Idaho HUC Index

 Administrative Basins  
 HUC Boundaries



1:3.3 million

*Idaho Division of Environmental Quality  
Gail M. Ewart  
May 1998*



A detailed map of Oregon, outlined in black, with its internal county boundaries also shown. Each county is labeled with its name in a bold, sans-serif font. The labels are distributed across the state, with some counties having multiple labels (e.g., Clatsop, Columbia, Deschutes, Malheur, Umpqua, Wallowa, Yamhill). The map is oriented with the Pacific Ocean to the west and the California border to the south. The title "Sub-Basin Names" is centered at the top of the map.



*Nez Perce*

## TRIBAL EXECUTIVE COMMITTEE

P.O. Box 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

September 28, 1998

Wallace N. Cory, Administrator  
Idaho Division of Environmental Quality  
1410 North Hilton  
Boise, Idaho 83706-1255

Dear Mr. Cory:

The Nez Perce Tribe has reviewed the draft letter dated August 19, 1998 addressing the State of Idaho's proposed submission of its Total Maximum Daily Load (TMDL) schedule as a Unified Watershed Assessment under the Clean Water Action Plan (CWAP). The Tribe is concerned with the failure of the State to fully address the objectives of the Clean Water Action Plan. The Plan envisions state, federal, tribal, and local entities and other stakeholders working together to: (1) identify watersheds with the most critical water quality problems, and (2) focus resources and implement effective strategies to solve these problems.

Although the State has proposed to submit a copy of its TMDL schedule as a Unified Watershed Assessment document, this submission fails to meet the goals of the CWAP by not bringing together the essential stakeholders and entities to address concerns that may be outside the realm of a § 303(d) list or TMDL schedule. For example, Oregon and Washington, states which have actively solicited the Nez Perce Tribe's input, have included the tribal anadromous fish recovery priorities addressed in Wy-Kan-Ush-Mi Wa-Kish-Wit: The Columbia River Anadromous Fish Restoration Plan of the Nez Perce, Umatilla, Warm Springs and Yakama Tribe in their Unified Watershed Assessment documents. Although the Tribe did participate in the June 9, 1998 meeting, we feel that the meeting did not present an adequate forum to fully address a strategy for completion of a Unified Watershed Assessment, which includes a full watershed categorization and prioritization.

Further, simply submitting a TMDL list fails to meet the fundamental goal of the Unified Watershed Assessment because it fails to examine and categorize watersheds that: (1) are currently meeting water quality goals, including those needing action to sustain water quality; (2) watersheds with pristine or sensitive aquatic system conditions; and (3) watersheds with insufficient data to make an assessment.

The Nez Perce Tribe has completed its own Unified Watershed Assessment document, which categorizes and prioritizes watersheds both within the Reservation and on off-reservation watersheds containing Tribal usual and accustomed fishing places. A copy of this document is attached for your review.

The Tribe would welcome an opportunity to meet with the State and other Tribes to discuss categorization and prioritization of watersheds in accordance with the Clean Water Action Plan. If you should have any questions regarding our concerns with the State's Unified Watershed Assessment document or the Tribe's priority watersheds, please contact Rick Eichstaedt in the Water Resources Division (208-843-7368).

Sincerely,

A handwritten signature in cursive script that reads "Samuel N. Penney".

Samuel N. Penney  
Chairman

Attachment

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cc: Unified Watershed Assessment Working Group  
Teena Reichgott, EPA Region 10  
Lynn McKee, EPA Region 10  
Luana Kiger, NRCS



*Nez Perce*

TRIBAL EXECUTIVE COMMITTEE

P.O. Box 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

September 28, 1998

Unified Watershed Assessment Working Group  
(4503F)  
Washington, DC 20460

RE: Unified Watershed Assessment

Dear Unified Watershed Assessment Working Group:

Enclosed for your review is a copy of the 1998 Nez Perce Tribe Unified Watershed Assessment and Watershed Restoration Priorities document produced pursuant to the Clean Water Action Plan.

Should you have any questions or desire additional information, please do not hesitate to contact us. The contact person for this project is Rick Eichstaedt at the Water Resources Division (208-843-7370). Thank you for the opportunity to participate in the Clean Water Action Plan.

Sincerely,

*Samuel N. Penney*

Samuel N. Penney  
Chairman

rke  
enclosure

cc: Teena Reichgott, EPA Region 10  
Lynn McKee, EPA Region 10  
Grover Partee, EPA Region 10  
Luana Kiger, NRCS  
Wallace Cory, Idaho DEQ  
David Power, Oregon DEQ  
Christine Hempleman, Washington Department of Ecology